

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201700436	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/12/2017 8:30 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 7/12/2018	EO SOL 7/12/2018	
Date/Time CV Reported Fri, 01/13/2017 9:40 AM	CV Reported At: IAB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 01/18/2017 12:05 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jeffrey Santos	05777	957133	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Heather Wanamaker	19944	960070	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jeffrey Santos	Abuse: Police Officer Jeffrey Santos threatened to damage and seize § 87(2)(b)'s property.	§ 87(2)(b)

### Case Summary

§ 87(2)(b) filed this complaint with 311 via email on January 13, 2017. The complaint was received at IAB on the same day, generating log number 2017-1502. The case was received at the CCRB on January 18, 2017, via log number 2017-1754.

On January 12, 2017, at approximately 8:30 p.m., § 87(2)(b) was watching television inside of his apartment at § 87(2)(b), in the Bronx. § 87(2)(b)'s neighbor, § 87(2)(b) called 911 to file a noise complaint against § 87(2)(b) and PO Jeffrey Santos and PO Heather Wanamaker of the 44<sup>th</sup> Precinct responded to the scene. PO Santos spoke with § 87(2)(b) in the hallway outside of § 87(2)(b)'s apartment, and PO Santos allegedly said, "If we have to come back here, we're going to break your door down and take your speakers and equipment" (**Allegation A**). The officers then left the scene without arresting § 87(2)(b) or issuing him a summons (BR 01).

There is no video footage of this incident.

### Mediation, Civil and Criminal Histories

§ 87(2)(b) accepted mediation on January 20, 2017, and the case was sent to the Mediation Unit on January 23, 2017. § 87(2)(b) then changed his mind and requested that the case be investigated. The case was returned to the Investigations Unit on February 16, 2017. On March 20, 2017, a notice of claim request was submitted to the Comptroller's Office, and it will be added to the case file upon its receipt at the agency. § 87(2)(b)

### Civilian and Officer CCRB Histories

§ 87(2)(b) filed one prior complaint with the CCRB. § 87(2)(b)

PO Santos has been a member of the NYPD for two years and has been the subject of one prior CCRB complaint (See officer history).

### Potential Issues

§ 87(2)(b) provided a brief phone statement but was not interviewed because she did not hear what the officers said to § 87(2)(b) in the hallway.

One of § 87(2)(b)'s unidentified neighbors also witnessed the incident. § 87(2)(b) did not know this neighbor's name or phone number, but he provided her address. Three please call letters were mailed to the unidentified neighbor, and database searches for additional contact information were unsuccessful. Therefore, this potential witness was not interviewed.

### Findings and Recommendations

**Allegation A – Abuse of Authority: PO Jeffrey Santos threatened to damage and seize § 87(2)(b)'s property.**

§ 87(2)(b) stated that he was watching television inside of his apartment when he heard knocking at his apartment door (BR 01). § 87(2)(b) went to the door, saw that PO Santos and PO Wanamaker were outside, told the officers that they had the wrong door, and then returned to watching television. PO Santos continued to knock on the door, and § 87(2)(b) returned to the door and opened it. At that time, § 87(2)(b) saw that § 87(2)(b) stood in the

hallway along with another unidentified neighbor. § 87(2)(b) again told the officers that they had the wrong door, and PO Santos told § 87(2)(b) that the officers were investigating loud music coming from § 87(2)(b)'s apartment. § 87(2)(b) disputed that there was any such music in his apartment, and PO Santos allegedly said, "If we have to come back here, we're going to break your door down and take your speakers and equipment." The officers then left the scene and did not return.

§ 87(2)(b) stated that she called 911 because § 87(2)(b) was playing loud music in his apartment (BR 04). She saw PO Santos and PO Wanamaker interact with § 87(2)(b) in the hallway, and she stated that § 87(2)(b) yelled loudly at the officers. § 87(2)(b) did not hear the officers say anything to § 87(2)(b).

According to the officers, they responded to the scene, spoke with § 87(2)(b) and then knocked on § 87(2)(b)'s door (BR 05-06). § 87(2)(b) alleged that § 87(2)(b) was previously playing loud music that disturbed her children, but the officers did not hear any noise upon their arrival. § 87(2)(b) answered the door and yelled at the officers, telling them that they had the wrong door. PO Santos stated that he explained to § 87(2)(b) that the officers were present because § 87(2)(b) called to report a noise complaint, but § 87(2)(b) did not listen to PO Santos and continued to yell about how the officers had the wrong door. According to PO Santos, he then informed § 87(2)(b) that he would notify his supervisor if another noise complaint was filed against § 87(2)(b). PO Santos also stated that his supervisor might decide to seize § 87(2)(b)'s speakers. PO Wanamaker confirmed that PO Santos made that comment, and both officers denied that PO Santos issued any threat to damage or seize § 87(2)(b)'s property. The officers denied that PO Santos issued a threat in the manner alleged by § 87(2)(b).

An officer should notify his or her commanding officer if he or she determines that a noise is unreasonable and warnings to stop the noise have been ignored (BR 07). Officers may seize sound reproduction equipment from a private residence that is the subject of a noise complaint when authorized to do so by a Precinct Commander. Patrol Guide Procedure 214-23.

§ 87(2)(g)

Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date